

**P O R T E R | S C O T T**

A PROFESSIONAL CORPORATION  
Carl L. Fessenden, SBN 161494  
Matthew W. Gross, SBN 324007  
350 University Ave., Suite 200  
Sacramento, California 95825  
TEL: 916.929.1481  
FAX: 916.927.3706

Attorneys for Defendants

COUNTY OF INYO, INYO COUNTY SHERIFF'S DEPARTMENT, TAMMY McDEVITT, and  
PERLA PEREZ

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DANIELLE ALLEN,

CASE NO. 1:20-cv-01040-JLT

Plaintiff,

**STIPULATION AND [~~PROPOSED~~] ORDER  
REGARDING SETTLEMENT CONFERENCE**

v.

(Doc. 16)

COUNTY OF INYO, INYO COUNTY  
SHERIFF'S DEPARTMENT, JEFF R.  
HOLLOWELL, TAMMY McDEVITT,  
PERLA PEREZ, and DOES 1 through 20,  
inclusive,

Defendants.

The parties stipulate and agree to using Magistrate Judge Thurston, after filing the waiver of  
disqualification (ECF 15), and request that the Court set a settlement conference for December 18, 2020.

Dated: October 30, 2020

PORTER SCOTT  
A PROFESSIONAL CORPORATION

By /s/ Matthew W. Gross

Carl L. Fessenden  
Matthew W. Gross  
Attorneys for Defendants

Dated: October 30, 2020

LAW OFFICE OF VICTORIA L. CAMPBELL

By /s/ Victoria L. Campbell  
Victoria L. Campbell

**[PROPOSED] ORDER**

Based upon the Stipulation of the parties and their waiver of disqualification (Doc. 15), the Court  
**ORDERS:**

1. The Court sets a settlement conference on December 18, 2020 at 1 p.m. Due to the ongoing closure of the courthouse, the settlement conference will proceed via Zoom. The Court will provide login information as the date approaches;

2. **At least 21 days before** the settlement conference, the plaintiff **SHALL** submit to the defendants via fax or e-mail, a written itemization of damages and a meaningful<sup>1</sup> settlement demand, including a brief explanation of why such a settlement offer is appropriate. **No later than 14 days before** the settlement conference, the defendants **SHALL** respond via fax or e-mail, with an acceptance of the offer or with a meaningful counteroffer, which includes a brief explanation of why such a settlement is appropriate. **The parties SHALL continue to exchange counteroffers until it is no longer productive.** If settlement is not achieved, each side **SHALL** attach copies of their settlement offers to their Confidential Settlement Conference Statement, as described below. Copies of these documents shall not be filed on the court docket.

3. **At least five court days before** the settlement conference, the parties shall submit, directly to Judge Thurston's chambers by e-mail to JLTOrders@caed.uscourts.gov, a Confidential Settlement Conference Statement. The statement **should not be filed** with the Clerk of the Court **nor served on any other party**, although the parties may file a Notice of Lodging of Settlement Conference Statement. Each statement shall be clearly marked "confidential" with the date and time of the Settlement Conference indicated prominently thereon.

The Confidential Settlement Conference Statement shall include the following:

- A. A brief statement of the facts of the case.
- B. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties' likelihood of prevailing on

<sup>1</sup> "Meaningful" means the offer is reasonably calculated to settle the case on terms acceptable to the offering party. "Meaningful" does not include an offer which the offering party knows will not be acceptable to the other party. If, however, the offering party is only willing to offer a settlement which it knows the other party will not accept, this should trigger a recognition the case is not in a settlement posture and the parties should confer about continuing the settlement conference via stipulation.

the claims and defenses; and a description of the major issues in dispute.

C. A summary of the proceedings to date.

D. An estimate of the cost and time to be expended for further discovery, pretrial and trial.

E. The relief sought.

F. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers and demands.

IT IS SO ORDERED.

Dated: **October 30, 2020**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE